

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ROBERT L. APTER, M.D., FACEP; MARY)	
TALLEY BOWDEN, M.D.; and PAUL E.)	
MARIK, MBBCh, M.MED, FCCM, FCCP,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
DEPARTMENT OF HEALTH AND HUMAN)	No. 3:22-cv-184
SERVICES; XAVIER BECERRA, in his)	
official capacity as Secretary of Health and)	
Human Services; FOOD AND DRUG)	
ADMINISTRATION; and ROBERT M.)	
CALIFF, M.D., MACC, in his official capacity)	
as Commissioner of Food and Drugs,)	
)	
<i>Defendants.</i>)	
)	

UNOPPOSED MOTION FOR A HEARING

Plaintiffs respectfully request oral argument in Galveston on the government's pending motion to dismiss this action. *See* ECF Nos. 25, 27. Plaintiffs believe oral argument would aid the Court in resolution of that motion because this case involves several important and complex issues.

Briefing on the government's motion to dismiss will be completed by October 21, and Plaintiffs' counsel can be available at almost any subsequent time that is convenient for the Court, except October 24-28 and November 10-14, when counsel are out of the country.

October 6, 2022

/s/ R. Trent McCotter

R. Trent McCotter
Attorney-In-Charge
So. Dist. No. 3712529
N.C. Bar No. 43045
Jared M. Kelson (*pro hac vice*)
D.C. Bar No. 241393
Boyden Gray & Associates
801 17th St. NW, #350
Washington, DC 20006
(202) 706-5488
mccotter@boydengrayassociates.com

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(D), undersigned counsel avers that he has conferred with counsel for the government, which does not oppose holding oral argument on the government's motion to dismiss.

/s/ R. Trent McCotter

R. Trent McCotter

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

/s/ R. Trent McCotter

R. Trent McCotter